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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,071	10/12/2004	Steven Victor Jones	BR8812	7044

7590 10/16/2006

The Black & Decker Corporation
Mail Stop TW199
701 East Joppa Road
Towson, MD 21286

EXAMINER

MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,071

Applicant(s)

JONES, STEVEN VICTOR

Examiner

Katherine W. Mitchell

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-18 is/are pending in the application.
4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/28/2006.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

- 5) ☐ Notice of Informal Patent Application

- 6) ☒ Other: copy of 371 Acceptance Letter - 2 pgs

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 11-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims were not previously considered as they were of improper multiple dependent form. Had they been considered, they would have been restricted as the apparatus for making a product (the blind rivet assembly), which was examined.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

2. Examiner apologizes for the typing error in the previous action, where claims 5-10 were listed as in improper multiple dependent form, when it was claims 5-20. Applicant has correctly amended properly in spite of the typing error.

Drawings

3. The amended drawings are approved and entered.

: Information Disclosure Statement

4. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion

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which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, some references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

The information disclosure has been placed in the application file, but the information referred to therein has not been considered, except the references supplied and that examiner was able to obtain.

Examiner is providing a copy of the 371 Acceptance letter mailed, and notes that the letter lists only the search report, and not copies of the foreign patents, as received with the national stage application. Copies of foreign references were not received.

Claim Rejections - 35 USC § 103

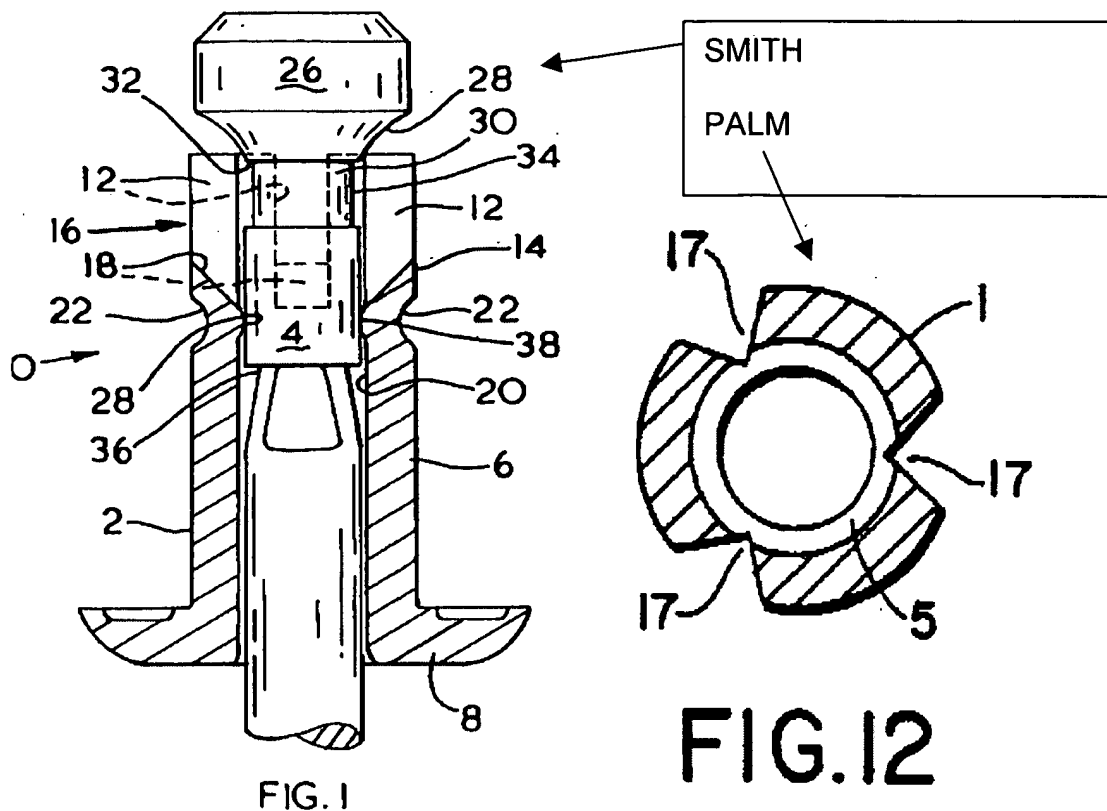
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-10 are rejected under 35 U.S.C. 103(a) as obvious over Smith GB 2332722 in view of Palm, USP 5183357.

Smith teaches a peel type blind rivet with an elongate tubular body 2 having a shank 6 and preformed head 8 and expandable portion 16 at end opposite head. The expandable portion comprises at least 3 slots. There is a mandrel 4 with head 26 and stem with a reduced cylindrical breakneck 30. The head has a shoulder portion 32 substantially perpendicular to said mandrel stem (Fig 1 below). However, Smith is not specific that at least one slot increases in width in a radial direction as it extends from an outer surface to an inner surface of said shank. First, examiner notes that "width" is not defined, but cites Palm, Fig 12, as showing slots 17 having the claimed geometry.



Palm shows slots 17 extending in a width from an outer surface to an inner surface of said tubular body in Fig 12 and col 5 lines 26-61. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Smith and Palm before him at the time the invention was made, to modify Smith as taught by Palm to include slots of specific geometries, in order to obtain an easier to peel rivet with smooth and more-flush 'collar' formed by the peeled-back sections, and optimum locking, as taught by Palm in col 3 and col 5 lines 35-61.

Re 2: Palm col 5 teaches the sidewalls can be curved:

lines (17) can be selected differently. It is therefore possible to form the notches or grooves in a triangular, 40 polygonal, trapezoidal, or circular cross section. Trapezoidal-shaped grooves are shown in FIG. 9. trian-

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Re 3: Figs in Smith and Palm both show equally spaced grooves or slots.

Re 4: There are at least 3 (comprises) slots.

Re 5: Smith Fig 1 shows the slot longer adjacent said inner surface than said outer surface (see "18" in Smith Fig 1 above for the angled surface as claimed)

Re 7-8: Smith and Palm both have a constant wall thickness and body external diameter.

Re 9: Smith shows reduced diameter portion having a circular cross section at 30. adjacent said shoulder 32.

Re 10: The maximum diameter of head is equal to diameter of said body (Smith Fig 1).

Response to Arguments

7. Applicant's arguments with respect to claims 1-5, 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

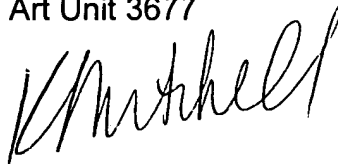
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Primary Examiner
Art Unit 3677



Kwm

10/12/2006

mail to applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO. 10/511,071	FIRST NAMED APPLICANT Steven Victor Jones	ATTY. DOCKET NO. BR8812
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INTERNATIONAL APPLICATION NO. PCT/EP03/03651

The Black & Decker Corporation
Mail Stop TW199
701 East Joppa Road
Towson, MD 21286

I.A. FILING DATE 04/09/2003	PRIORITY DATE 04/23/2002
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CONFIRMATION NO. 7044
371 ACCEPTANCE LETTER



Date Mailed: 03/29/2005

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>10/12/2004</u>	<u>10/12/2004</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 10/12/2004
- Copy of the International Search Report filed on 10/12/2004
- Oath or Declaration filed on 10/12/2004
- Request for Immediate Examination filed on 10/12/2004
- U.S. Basic National Fees filed on 10/12/2004
- Assignment filed on 10/12/2004
- Priority Documents filed on 10/12/2004

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 3 - OFFICE COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

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Kam

1/4

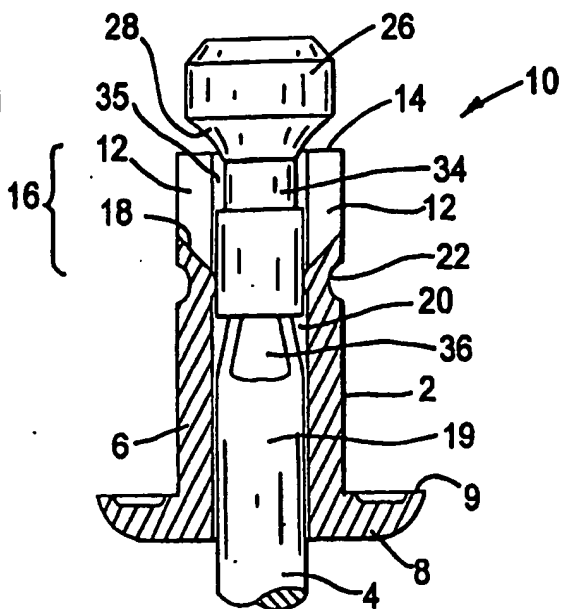


FIG.1

PRIOR ART

PRIOR ART

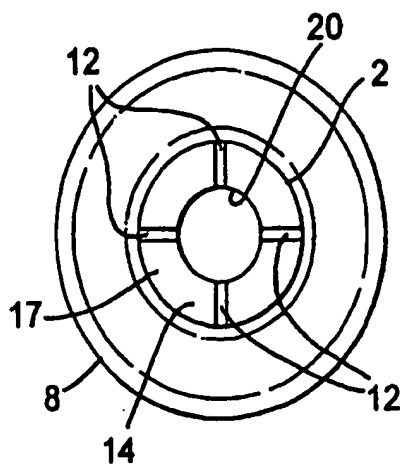


FIG.1a

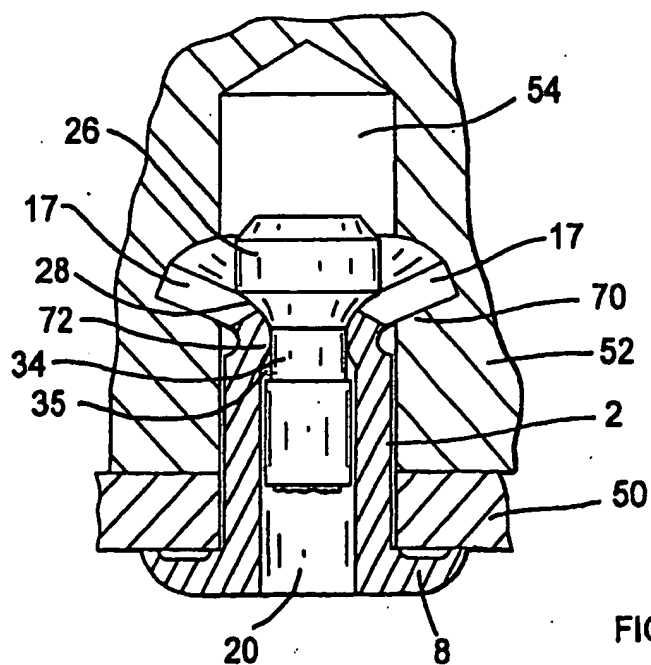


FIG.2

PRIOR ART